

## §51.73

prepared and noticed in the same manner as the draft environmental impact statement except that a scoping process need not be used.

### **§51.73 Request for comments on draft environmental impact statement.**

Each draft environmental impact statement and each supplement to a draft environmental impact statement distributed in accordance with §51.74, and each news release provided pursuant to §51.74(d) will be accompanied by or include a request for comments on the proposed action and on the draft environmental impact statement or any supplement to the draft environmental impact statement and will state where comments should be submitted and the date on which the comment period closes. A minimum comment period of 45 days will be provided. The comment period will be calculated from the date on which the Environmental Protection Agency notice stating that the draft statement or the supplement to the draft statement has been filed with EPA is published in the FEDERAL REGISTER. If no comments are provided within the time specified, it will be presumed, unless the agency or person requests an extension of time, that the agency or person has no comment to make. To the extent practicable, NRC staff will grant reasonable requests for extensions of time of up to fifteen (15) days.

### **§51.74 Distribution of draft environmental impact statement and supplement to draft environmental impact statement; news releases.**

(a) A copy of the draft environmental impact statement will be distributed to:

(1) The Environmental Protection Agency.

(2) Any other Federal agency which has special expertise or jurisdiction by law with respect to any environmental impact involved or which is authorized to develop and enforce relevant environmental standards.

(3) The applicant or petitioner for rulemaking and any other party to the proceeding.

(4) Appropriate State and local agencies authorized to develop and enforce relevant environmental standards.

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(5) Appropriate State, regional and metropolitan clearinghouses.

(6) Appropriate Indian tribes when the proposed action may have an environmental impact on a reservation.

(7) Upon written request, any organization or group included in the master list of interested organizations and groups maintained under §51.122.

(8) Upon written request, any other person to the extent available.

(b) Additional copies will be made available in accordance with §51.123.

(c) A supplement to a draft environmental impact statement will be distributed in the same manner as the draft environmental impact statement to which it relates.

(d) News releases stating the availability for comment and place for obtaining or inspecting a draft environmental statement or supplement will be provided to local newspapers and other appropriate media.

(e) A notice of availability will be published in the FEDERAL REGISTER in accordance with §51.117.

### **DRAFT ENVIRONMENTAL IMPACT STATEMENTS—PRODUCTION AND UTILIZATION FACILITIES**

### **§51.75 Draft environmental impact statement—construction permit.**

A draft environmental impact statement relating to issuance of a construction permit for a production or utilization facility will be prepared in accordance with the procedures and measures described in §§51.70, 51.71, 51.72 and 51.73. The contribution of the environmental effects of the uranium fuel cycle activities specified in §51.51 shall be evaluated on the basis of impact values set forth in Table S-3, Table of Uranium Fuel Cycle Environmental Data, which shall be set out in the draft environmental impact statement. With the exception of radon-222 and technetium-99 releases, no further discussion of fuel cycle release values and other numerical data that appear explicitly in the Table shall be required.<sup>5</sup> The impact statement shall

<sup>5</sup> Values for releases of Rn-222 and Tc-99 are not given in the Table. The amount and significance of Rn-222 releases from the fuel

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take account of dose commitments and health effects from fuel cycle effluents set forth in Table S-3 and shall in addition take account of economic, socioeconomic, and possible cumulative impacts and such other fuel cycle impacts as may reasonably appear significant.

[49 FR 9381, Mar. 12, 1984, as amended at 61 FR 28489, June 5, 1996]

### §51.76 Draft environmental impact statement—manufacturing license.

A draft environmental impact statement relating to issuance of a license to manufacture a nuclear power reactor will address the environmental matters specified in appendix M of part 52 of this chapter. The draft environmental impact statement will include a request for comments as provided in §51.73.

[49 FR 9381, Mar. 12, 1984, as amended at 54 FR 15398, Apr. 18, 1989]

### §51.77 Distribution of draft environmental impact statement.

(a) In addition to the distribution authorized by §51.74, a copy of a draft environmental statement for a licensing action for a production or utilization facility, except an action authorizing issuance, amendment or renewal of a license to manufacture a nuclear power reactor pursuant to 10 CFR part 52, appendix M will also be distributed to:

(1) The chief executive of the municipality or county identified in the draft environmental impact statement as the preferred site for the proposed facility or activity.

(2) Upon request, the chief executive of each municipality or county identified in the draft environmental impact statement as an alternative site.

(b) Additional copies will be made available in accordance with §51.123.

[49 FR 9381, Mar. 12, 1984, as amended at 54 FR 15398, Apr. 18, 1989]

cycle and Tc-99 releases from waste management or reprocessing activities shall be considered in the draft environmental impact statement and may be the subject of litigation in individual licensing proceedings.

## DRAFT ENVIRONMENTAL IMPACT STATEMENTS—MATERIALS LICENSES

### §51.80 Draft environmental impact statement—materials license.

(a) The NRC staff will either prepare a draft environmental impact statement or as provided in §51.92, a supplement to a final environmental impact statement for each type of action identified in §51.20(b) (7) through (12). Except as the context may otherwise require, procedures and measures similar to those described in §§51.70, 51.71, 51.72 and 51.73 will be followed.

(b)(1) *Independent spent fuel storage installation (ISFSI)*. Unless otherwise determined by the Commission and in accordance with the generic determination in §51.23(a) and the provisions of §51.23(b), a draft environmental impact statement on the issuance of an initial license for storage of spent fuel at an independent spent fuel storage installation (ISFSI) or any amendment thereto, will address environmental impacts of spent fuel only for the term of the license or amendment applied for.

(2) *Monitored retrievable storage installation (MRS)*. As provided in sections 141 (c), (d), and (e) and 148 (a) and (c) of the Nuclear Waste Policy Act of 1982, as amended (NWPAct) (96 Stat. 2242, 2243, 42 U.S.C. 10161 (c), (d), (e); 101 Stat. 1330-235, 1330-236, 42 U.S.C. 10168 (a) and (c)), a draft environmental impact statement for the construction of a monitored retrievable storage installation (MRS) will not address the need for the MRS or any alternative to the design criteria for an MRS set forth in section 141(b)(1) of the NWPAct (96 Stat. 2242, 42 U.S.C. 10161(b)(1)) but may consider alternative facility designs which are consistent with these design criteria.

[49 FR 34695, Aug. 31, 1984, as amended at 53 FR 31682, Aug. 19, 1988]

### §51.81 Distribution of draft environmental impact statement.

Copies of the draft environmental impact statement and any supplement to the draft environmental impact statement will be distributed in accordance with the provisions of §51.74.